

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PLANT PATENT APPLICATION TRANSMITTAL LETTER

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the Plant Patent Application of Alain A. Meiland for FLORIBUNDA ROSE PLANT NAMED 'MEINUSIAN'.

Enclosed are:

- ☒ 1 sheet of ☒ formal ☐ informal drawing(s). (IN DUPLICATE)  
☐ A claim for foreign priority under 35 U.S.C. 119/365 in  
    ☐ a separate document ☐ the declaration.  
☐ A certified copy of the priority document.  
☐ An Associate Power of Attorney.  
☒ 1 verified statement(s) of small entity status.  
☒ Assignment Document. (Two Assignments)  
☐ A Preliminary Amendment.

The declaration of the inventor(s) ☒ is enclosed ☐ will follow.

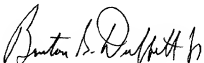
The fee has been calculated as follows:

- |                                     |  |                 |
|-------------------------------------|--|-----------------|
| A.                                  | Basic Application Fee  | <u>\$480.00</u> |
| B.                                  | If verified statement of small entity status is enclosed, fifty percent reduction of Total Application Fee (50% x A) | <u>\$240.00</u> |
| C.                                  | Application Fee Due (A minus B)  | <u>\$240.00</u> |
| D.                                  | Assignment Recording Fee of \$40.00 if assignment document enclosed. (2 assignments attached)                        | <u>\$ 80.00</u> |
| E.                                  | TOTAL FEE (C plus D)   | <u>\$320.00</u> |
| <input checked="" type="checkbox"/> | A check in the amount of \$ <u>320.00</u> is attached.   |                 |
| <input type="checkbox"/>            | Charge \$_____ to Deposit Account No. 02-4800.   |                 |

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 02-4800. This paper is being submitted in triplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By  \_\_\_\_\_  
Benton S. Duffett, Jr.  
Registration No. 22,030

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Date: January 28, 1999

Applicant or Patentee: Alain A. Meilland

Application or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: FLORIBUNDA ROSE PLANT NAMED 'MEINUSIAN'

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ I the owner of the small business concern identified below:  
☒ I an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN CP (Delaware) Inc.

ADDRESS OF CONCERN 103 Foulk Road, Suite 202  
Wilmington, Delaware

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 1.21 for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled FLORIBUNDA ROSE PLANT NAMED 'MEINUSIAN' by inventor(s) Alain A. Meilland described in

- ☒ the specification filed herewith  
☐ Application No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below,\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ individual ☐ small business concern ☐ nonprofit organization

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ individual ☐ small business concern ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate [37 C.F.R. § 1.28(b)].

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Steven B. Hutton

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING CP (Delaware) Inc.

103 Foulk Road, Suite 202

Wilmington, Delaware 19899

SIGNATURE Steven B. Hutton DATE 1/18/99

006450-301

UNITED STATES PLANT PATENT APPLICATION

of

ALAIN A. MEILLAND

for

FLORIBUNDA ROSE PLANT NAMED 'MEINUSIAN'

## FLORIBUNDA ROSE PLANT NAMED 'MEINUSIAN'

### Abstract of the Disclosure

A new and distinct variety of Floribunda rose plant is provided which abundantly forms on a substantially continuous basis attractive blossoms that are vermilion red in coloration. Such blossoms possess no fragrance. The plant exhibits a bushy growth habit, dark green and semi-glossy foliage, and very good disease resistance. The new variety is particularly well suited for providing colorful ornamentation in the landscape.

### Summary of the Invention

The new variety of Floribunda rose plant was created by artificial pollination wherein two parents were crossed which previously had been studied in the hope that they would contribute the desired characteristics. The female parent (i.e., the seed parent) of the new variety was the product of the cross of the 'Meichanso' variety (non-patented in the United States) and the 'Meifolio' variety (non-patented in the United States). The male parent (i.e., the pollen parent) was the 'Korlima' variety (non-patented in the United States). The 'Meichanso' variety sometimes is known as the 'Parador' variety. The parentage of the new variety can be summarized as follows:

('Meichanso' x 'Meifolio') x 'Korlima').

The seeds resulting from the above pollination were sown and small plants were obtained which were physically and biologically different from each other. Selective study resulted in the identification of a single plant of the new variety.

It was found that the new variety of Floribunda rose plant of the present invention possesses the following combination of characteristics:

- (a) forms on an abundant and substantially continuous basis attractive double blossoms that are vermilion red in coloration,

- (b) exhibits a bushy low and compact growth habit,
- (c) forms attractive dark green semi-glossy foliage, and
- (d) is particularly well suited for growing as ornamentation in parks and gardens.

The petals of fully open blossoms when viewed from above tend to be arranged in quartered clusters.

The new variety well meets the needs of the horticultural industry and is particularly well suited for growing in the landscape.

The new variety has been found to undergo asexual propagation in France by a number of routes, including budding, grafting, and cuttage. Asexual propagation by the above-mentioned techniques in France has shown that the characteristics of the new variety are stable and are strictly transmissible by such asexual propagation from one generation to another.

The new variety has been named the 'Meinussian' variety.

#### Brief Description of the Photograph

The accompanying photograph shows as nearly true as it is reasonably possible to make the same, in a color illustration of this character, typical specimens of the plant parts of the new variety. The rose plants of the new variety were two years of age and were observed during June while budded on Rosa

froebellii understock and growing outdoors at Le Cannet des Maures, Var, France.

Dimensions in centimeters are indicated at the bottom of the photograph.

- Fig. 1 - illustrates a specimen of a young shoot;
- Fig. 2 - illustrates a specimen of a floral bud before the opening of the sepals;
- Fig. 3 - illustrates a specimen of a floral bud at the opening of the sepals;
- Fig. 4 - illustrates a specimen of a floral bud at the opening of the petals;
- Fig. 5 - illustrates a specimen of a flower in the course of opening;
- Fig. 6 - illustrates a specimen of an open flower - plan view - obverse;
- Fig. 7 - illustrates a specimen of an open flower - plan view - reverse;
- Fig. 8 - illustrates a specimen of a fully open flower - plan view - obverse;
- Fig. 9 - illustrates a specimen of a fully open flower - plan view - reverse;
- Fig. 10 - illustrates a specimen of a floral receptacle showing the arrangement of the stamens and pistils;

- Fig. 11 - illustrates a specimen of a floral receptacle showing the arrangement of the pistils (stamens removed);
- Fig. 12 - illustrates a specimen of a flowering stem;
- Fig. 13 - illustrates a specimen of a main branch;
- Fig. 14 - illustrates a specimen of a leaf with three leaflets - plan view - upper surface;
- Fig. 15 - illustrates a specimen of a leaf with five leaflets - plan view - under surface; and
- Fig. 16 - illustrates a leaf with seven leaflets - plan view - upper surface.

### Detailed Description

The chart used in the identification of the colors is that of the Royal Horticultural Society (R.H.S. Colour Chart). The description is based on the observation of two year-old plants during June while budded on Rosa froebelli understock and growing outdoors at Le Cannet des Maures, Var, France. The coloration in common terms precedes reference to the chart in some instances.

CLASS: Floribunda.

PLANT: height -- approximately 70 to 80 cm. on average at the end of the growing season.

habit -- bushy.

LEAVES:	BRANCHES:	<u>color</u>	--	<u>young stems</u> : near Yellow-Green Group 146A and stained with reddish coloration.
			--	<u>adult wood</u> : near Green Group 139B and stained with darker green of Green Group 139A.
		<u>thorns</u>	--	<u>size</u> : medium (as illustrated).
			--	<u>quantity</u> : numerous (as illustrated).
			--	<u>color</u> : reddish on young shoots and pinkish-brown on adult wood.
		<u>stipules</u>	--	adnate, pectinate, and moderately large.
		<u>petioles</u>	--	<u>upper surface</u> : striped reddish brown on young foliage and light green on adult foliage.
			--	<u>under surface</u> : light green in coloration and possess some prickles.
		<u>leaflets</u>	--	<u>number</u> : 3, 5 (most often) and 7.
			--	<u>shape</u> : elliptic.
			--	<u>serration</u> : simple and regular (as illustrated).
			--	<u>texture</u> : leathery.

- general appearance: dark green, and semi-glossy.
- color (young foliage):  
upper surface: near Yellow-Green Group 147A and widely suffused with reddish coloration.  
under surface: Yellow-Green Group 146A and very widely suffused with reddish coloration.
- color (adult foliage):  
upper surface: dark green, near Green Group 139A.  
under surface: near Green Group 137B.

## INFLORESCENCE

- number of flowers -- usually two to five flowers per stem.
- peduncle -- light green with some acidulate prickles, and the length is approximately 5.5 cm. on average.
- sepals -- upper surface: tomentose, greenish and lightly suffused with reddish coloration.

- under surface: light green suffused with reddish coloration, and commonly without extensions.

#### buds

- shape: globular.
- size: large.
- length: approximately 3 cm. on average.
- color upon opening:

upper surface: near Red Group 45B.

under surface: near Red Group 45B  
suffused with Red Group 53A.

#### flower

- shape: cupped with a substantially flat head.
- diameter: commonly approximately 8 cm. on average.
- color (when opening begins):  
upper surface: near Red Group 43A.  
under surface: near Red Group 53C.
- color (when blooming):  
upper surface: near Red Group 43A.  
under surface: near Red Group 53C.
- color (at end of opening):

upper surface: near Red Group 50A.

under surface: near Red Group 53D.

-- fragrance: none.

-- lasting quality: very long on the plant.

-- petal number: commonly approximately 80  
on average.

-- petal shape: obtuse.

-- stamen number: approximately 65 on  
average.

-- anthers: pinkish-yellow in coloration.

-- filaments: pinkish in coloration.

-- pistils: approximately 50 on average.

-- stigmas: fuchsine in coloration.

-- styles: straw-colored

-- receptacle: light green in coloration,  
smooth, and in longitudinal section in the  
shape of a pitcher.

## DEVELOPMENT

vegetation

-- strong.

blooming

-- very abundant and substantially continuous.

resistance to  
diseases

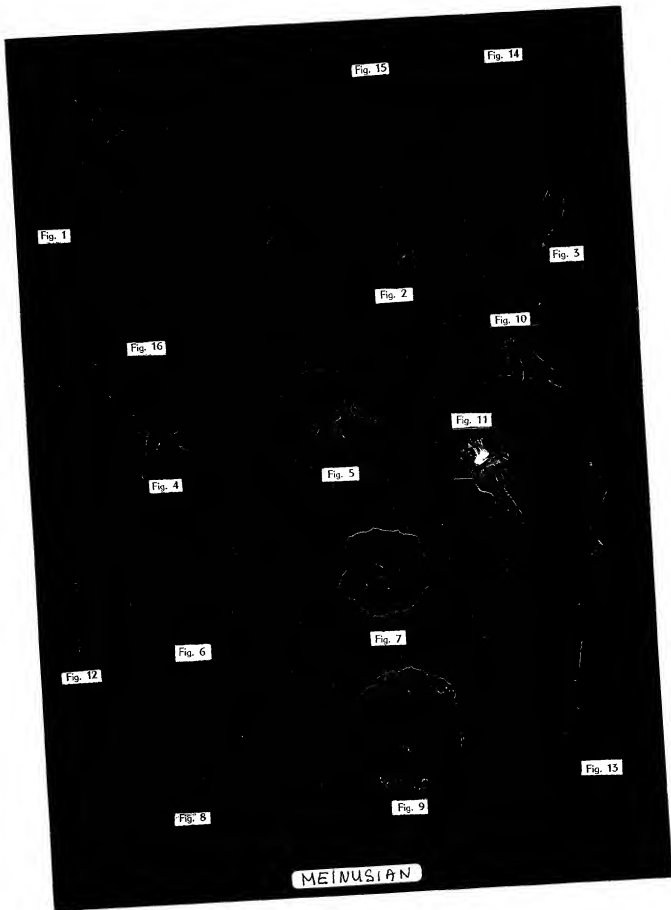
-- very good.

**I CLAIM:**

1. A new and distinct variety of Floribunda rose plant characterized by the following combination of characteristics:

- (a) forms on an abundant and substantially continuous basis attractive double blossoms that are vermilion red in coloration,
- (b) exhibits a bushy low and compact growth habit,
- (c) forms attractive dark green semi-glossy foliage, and
- (d) is particularly well suited for growing in parks and gardens;

substantially as herein shown and described.



**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PLANT PATENT APPLICATION**

Attorney's Docket No.  
006450-301

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

FLORIBUNDA ROSE PLANT NAMED 'MEINUSIAN'

the specification of which

(check one)



is attached hereto;



was filed on \_\_\_\_\_ as

Application No. \_\_\_\_\_

and was amended on \_\_\_\_\_ ;  
(if applicable)

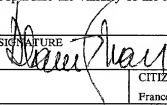
I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I have asexually reproduced the variety of the present invention.

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

<b>COMBINED DECLARATION AND POWER OF ATTORNEY</b>		Attorney's Docket No. 006450-301				
COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED			
European Community	97/0101	27/01/97	YES <u>NO</u> X			
<p>I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">                 William L. Mathis 17,337                  Peter H. Smolka 15,913                  Robert S. Swecker 19,885                  Platon N. Mandros 22,124                  Benton S. Duffett, Jr. 22,030                  Norman H. Stepno 22,716                  Ronald L. Grudziecki 24,970                  Frederick G. Michaud, Jr. 26,003                  Alan E. Kopecki 25,813                  Regis E. Slutter 26,999                  Samuel C. Miller, III 27,360                  Ralph L. Freeland, Jr. 16,110                  Robert G. Mukai 28,531             </td> <td style="width: 33%; vertical-align: top;">                 George A. Hovanec, Jr. 28,223                  James A. LaBarre 28,632                  E. Joseph Gess 28,510                  R. Danny Huntington 27,903                  Eric H. Weisblatt 30,505                  James W. Peterson 26,057                  Teresa Stanek Rea 30,427                  Robert E. Krebs 25,885                  William C. Rowland 30,888                  T. Gene Dillahunty 25,423                  Patrick C. Keane 32,858                  Bruce J. Boggs, Jr. 32,344                  William H. Benz 25,952             </td> <td style="width: 33%; vertical-align: top;">                 Peter K. Skiff 31,917                  Richard J. McGrath 29,195                  Matthew L. Schneider 32,814                  Michael G. Savage 32,596                  Gerald F. Swiss 30,113                  Michael J. Ure 33,089                  Charles F. Wieland III 33,096                  Bruce T. Wieder 33,815                  Todd R. Walters 34,040             </td> </tr> </table>				William L. Mathis 17,337 Peter H. Smolka 15,913 Robert S. Swecker 19,885 Platon N. Mandros 22,124 Benton S. Duffett, Jr. 22,030 Norman H. Stepno 22,716 Ronald L. Grudziecki 24,970 Frederick G. Michaud, Jr. 26,003 Alan E. Kopecki 25,813 Regis E. Slutter 26,999 Samuel C. Miller, III 27,360 Ralph L. Freeland, Jr. 16,110 Robert G. Mukai 28,531	George A. Hovanec, Jr. 28,223 James A. LaBarre 28,632 E. Joseph Gess 28,510 R. Danny Huntington 27,903 Eric H. Weisblatt 30,505 James W. Peterson 26,057 Teresa Stanek Rea 30,427 Robert E. Krebs 25,885 William C. Rowland 30,888 T. Gene Dillahunty 25,423 Patrick C. Keane 32,858 Bruce J. Boggs, Jr. 32,344 William H. Benz 25,952	Peter K. Skiff 31,917 Richard J. McGrath 29,195 Matthew L. Schneider 32,814 Michael G. Savage 32,596 Gerald F. Swiss 30,113 Michael J. Ure 33,089 Charles F. Wieland III 33,096 Bruce T. Wieder 33,815 Todd R. Walters 34,040
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and: <u>NONE</u>						
Address all correspondence to: <b>Benton S. Duffett, Jr.</b> <b>BURNS, DOANE, SWECKER &amp; MATHIS, L.L.P.</b> P.O. Box 1404 Alexandria, Virginia 22313-1404						
Address all telephone calls to: <u>BENTON S. DUFFETT, JR.</u> at (703) 836-6620.						
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.						
FULL NAME OF SOLE OR FIRST INVENTOR		SIGNATURE	DATE			
Alain A. Meilland			Jan 28, 1997			
RESIDENCE		CITIZENSHIP				
Antibes, France		France				
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